

UNITED STATES DISTRICT COURT

**Western District of New York
233 United States Courthouse
100 State Street
Rochester, New York 14614**

RECEIVED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
W.D. NEW YORK
ROCHESTER, NY 14614

**Chambers of
Jonathan W. Feldman
Magistrate Judge**

2005 NOV 21 PM 16:57
716-263-5757

November 21, 2005

Tony Anastas, Clerk
United States District Court
707 John W. McCormack Post Office and
Courthouse
90 Devonshire Street
Boston, MA 02109

RE: U.S. v. Jorge Lucret, 04-1672CBS
Our case number: 05mj589

Dear Mr. Anastas:

Rule 5 proceedings were held in this District on November 18, 2005. The defendant waived identity and requested the detention hearing and preliminary hearing be held in your district. Enclosed herewith are certified copies of the following: the docket sheet, the waiver of Rule 5 Hearings, minutes, and the Commitment to Another District.

Please indicate your receipt of these documents by signing a copy of this letter and returning it to my attention. If you have any questions, please do not hesitate to contact me.

Sincerely,

Lisa M. Duque
Lisa M. Duque
Courtroom Deputy

lmd
Enclosures

cc: Roxanne Mendez-Johnson, Esq.
Tiffany Lee, Esq.
US Probation
US Marshals

RECEIVED BY AND DATE: _____

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Rochester)
CRIMINAL DOCKET FOR CASE #: 6:05-mj-00589-JWF-ALL
Internal Use Only**

Case title: USA v. Lucret

Date Filed: 11/18/2005

Assigned to: Hon. Jonathan W.
Feldman

Defendant

Jorge Lucret (1)

represented by **Roxanne Mendez Johnson**
Federal Public Defender
28 East Main Street
Suite 400
Rochester, NY 14614
585-263-6201
Fax: 585-263-5871
Email: roxanne_johnson@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Disposition

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:841A=CD.F

Disposition

Plaintiff

USA

represented by **Tiffany H. Lee**

U.S. Attorney's Office

100 State Street

Room 620

Rochester, NY 14614

(585) 263-6760, ext. 2251

Fax: 585-263-6226

Email: tiffany.lee@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/18/2005	● 1	Arrest (Rule 5) of Jorge Lucret (LMD,) (Entered: 11/18/2005)
11/18/2005	● 1	Minute Entry for proceedings held before Judge Jonathan W. Feldman :Initial Appearance in Rule 5(c)(3) Proceedings as to Jorge Lucret held on 11/18/2005. Def. advised of rights. Court appoints Federal Public Defender. Govt. moves for detention on basis of risk of flight and danger. Def. waives right to an identity hrg. but requests a detention hrg and preliminary hrg in the prosecuting district. Def. held to answer. (digital recording.) (LMD,) (Entered: 11/21/2005)
11/18/2005	● 2	Copy of warrant and complaint from the District of Massachusetts (LMD,) (Entered: 11/21/2005)
11/18/2005	● 3	WAIVER of Rule 5(c)(3) Hearing by Jorge Lucret (LMD,) (Entered: 11/21/2005)
11/18/2005	● 4	COMMITMENT TO ANOTHER DISTRICT as to Jorge Lucret issued. Defendant committed to District of Massachusetts. Signed by Judge Jonathan W. Feldman on 11/18/2005. (LMD,) (Entered: 11/21/2005)
11/21/2005	●	Rule 5(c)(3) Documents sent as to Jorge Lucret to Tony Anastas, Clerk; United States District Court; 707 John McCormack Post Office and Courthouse; 90 Devonshire Street; Boston, MA 02109 (LMD,) (Entered: 11/21/2005)

ATTEST: A TRUE COPY
 U.S. DISTRICT COURT, WDNY
 RODNEY C. EARLY, CLERK
 BY *Alma Duque*
 Deputy Clerk

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

JORGE LUCRET, A/K/A "MINOR,"

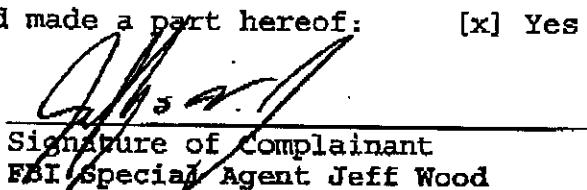
(Name and Address of Defendant)

M.J. No.: 04-1672-CBS

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about September 22, 2003 in Essex County in the District of Massachusetts, defendant did knowingly or intentionally distribute: cocaine base, a Schedule II controlled substance, also known as "crack cocaine," in violation of Title 21 United States Code, Section(s) 841(a)(1).

I further state that I am a FBI Special Agent and that this complaint is based on the following facts:

Please see attached Affidavit of FBI Special Agent Jeff Wood
Continued on the attached sheet and made a part hereof: Yes No



Signature of Complainant
FBI Special Agent Jeff Wood

Sworn to before me and subscribed in my presence,

February 23, 2004

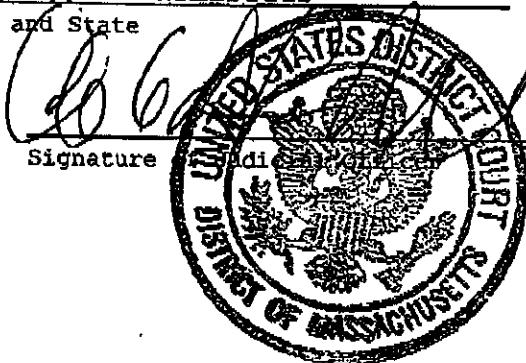
Date

at Boston, Massachusetts

City and State

CHARLES B. SWARTWOOD III
United States Magistrate Judge
Name and Title of Judicial Officer

Signature




AFFIDAVIT OF JEFFREY E. WOOD, JR.

I, Jeffrey E. Wood, Jr., being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI for more than four years. I am currently assigned to the Violent Crime Task Force ("VCTF") investigating, among other things, drug and drug-related crimes in the Lawrence, Massachusetts area.

2. During my four plus years with the FBI, I have been involved in numerous investigations relating to a wide variety of suspected criminal activity including drug and firearms trafficking, bank robberies, armored car robberies, and kidnaping. I have received training in the field of narcotics enforcement and investigations including, but not limited to, training regarding the identification of common street drugs such as cocaine base, a/k/a "crack cocaine." Through my training, education, and experience, I have also become familiar with the manner in which illegal drugs are transported, stored, and distributed, and with the methods of payment for such drugs.

3. I am submitting this affidavit in support of an application for a criminal complaint charging JORGE LUCRET, A/K/A "MINOR" with two counts of distribution of crack cocaine in

violation of 21 U.S.C. §841 (a)(1). As is explained more fully below, **LUCRET** made two controlled sales of crack cocaine to a cooperating witness on September 22, 2003. Both sales were surveilled by law enforcement officers, consensually recorded, and videotaped inside a specially equipped car.

4. This affidavit is submitted for the limited purpose of establishing probable cause to believe that **LUCRET** committed the above-described offenses. Accordingly, I have not included each and every fact known to myself and other law enforcement officers involved in this investigation.

5. For the past six months, I have been the case agent on a multi-agency investigation of the Dome Dwellers, a violent street gang operating in Lawrence, Massachusetts. Since the beginning of the investigation, law enforcement agents have made numerous purchases of controlled substances and firearms from members or associates of the Dome Dwellers using various confidential informants and cooperating witnesses. All of the buys and many of the conversations leading up to them have been consensually recorded on audio and/or videotape.

6. The investigation into the crack cocaine trafficking of **LUCRET** was initiated on September 22, 2003 after a cooperating witness working for the FBI ("the CW"), purchased heroin from another target in this investigation ("the Target"). The CW reported that, during that purchase, the Target told the CW that he/she could also provide the CW with crack cocaine.

7. The CW made a consensually recorded call to the Target at approximately 5:50 p.m. on September 22, 2003 to arrange a purchase of crack cocaine. After that call was completed, the CW reported that the Target had not been able to locate the crack cocaine but directed the CW to contact "Minor," from whom the Target stated the CW would be able to purchase crack. "Minor" was later identified as JORGE LUCRET.¹

8. After getting off the telephone with the Target, the CW placed a recorded phone call to LUCRET at 978-390-3134. In that call, which was consensually recorded in Spanish, LUCRET agreed to sell the CW 14 grams of crack cocaine for \$550 and told the CW to meet him on Oxford Street.

9. In anticipation of the meeting with LUCRET, I searched the CW and the car he would be driving. I then gave the CW a recording device, a transmitter, a small electronic scale, \$550 in official government funds ("OGC"), and a car equipped with audio/video surveillance equipment and told the CW to drive to Oxford Street (where surveillance agents had already gone) and find LUCRET.

10. Surveillance agents saw the CW get to Oxford Street at

¹ A review of the recording from this telephone call shows that the Target had already hung up the telephone when the CW began speaking about LUCRET. When asked about this, the CW stated that he did not realize the Target had hung up the phone and that the Target had identified LUCRET during an earlier unrecorded conversation when agents were not present. The criminal complaint that is being sought is not based on statements provided by the CW but rather by the undersigned's review of the relevant audio and videotapes and other corroboration including the observations made of the transactions by surveillance agents.

approximately 6:20p.m. After getting there, agents monitoring the transmitter (which were later reviewed by Lawrence Police Detective Richard Brooks, who is fluent in Spanish) heard an individual later identified as **LUCRET** get into the CW's car and begin to speak.² **LUCRET** 's entry into the CW's car and his conversation with the CW was also consenually recorded and captured on video.

11. After **LUCRET** got into the car, he told the CW to drive to the intersection of Haverhill and Morton Streets in Lawrence. The CW pulled into a parking lot, gave **LUCRET** a portion of the buy money, and **LUCRET** left to meet his source of supply for the crack cocaine.

12. The CW watched as **LUCRET** went across the street to meet with his source. When **LUCRET** came back into the car, he provided the CW with a bag containing an off-white rocky substance that only weighed approximately 5.6 grams. Because **LUCRET** had agreed to sell the CW 14 grams of crack cocaine, the CW refused to provide him with the balance of the buy money and demanded that **LUCRET** get the rest of the drugs.

13. The CW was then surveilled back to a predetermined meeting location where he/she arrived at approximately 6:30p.m. I met with the CW and he/she provided me with a plastic bag

² I do not speak Spanish. I have reviewed tapes with Detective Brooks, who summarized the Spanish speaking portions of them for me while they were played. The information contained in this affidavit regarding conversations is therefore based on what Detective Brooks told me and my own review of those portions of the conversations that were in English.

containing the suspected crack cocaine, the balance of the buy money (\$160), and the body recorder, scale, and the transmitter. I searched the CW's person and the car to ensure that the CW had no controlled substances or cash on her/him. A videotape was also removed from the vehicle.

14. After debriefing the CW (who advised me he/she had purchased the drugs from LUCRET and gave me information about the buy), I directed the CW to contact LUCRET and attempt to purchase the rest of the drugs.

15. The CW placed another consensually recorded telephone call to LUCRET at approximately 6:55p.m. After completing the call, the CW told me that LUCRET had agreed to supply him with another 8.5 grams of crack.³ After sending surveillance agents back to the Oxford Street area, I gave the CW \$160 in OGC, the body recorder, transmitter, scale, and told him to return to Oxford Street in the undercover vehicle that had been equipped with a new videotape.

16. The CW returned to Oxford Street and, after some delay, met with LUCRET. LUCRET did not have 8.5 grams of crack cocaine but offered to sell the CW some individual "jums" or "rocks" of crack cocaine that he had in a bag. The CW refused and returned to the meet location for a second time where I took the OGC, the scale, and the recording equipment from him/her again.

³ I also confirmed this information by reviewing the recording of the call with Detective Brooks.

17. When the CW got back to the meeting location for the second time, I told him/her to call **LUCRET**. The CW did and we overheard the CW and **LUCRET** arguing about the price for the balance of the crack. After they agreed on \$250 for the remaining 8.5 grams of crack cocaine, I returned the recording equipment and transmitter to the CW and gave him/her \$250 in OGC buy money.

18. The CW got back to Oxford Street (for the third time) at approximately 7:49p.m. and met with **LUCRET**, who advised the CW that they would have to wait for his source of supply nearby on Morton Street. Ultimately, the source did not arrive for nearly forty-five minutes. While they were waiting, the CW and **LUCRET** continued to argue about the price for the crack and the CW even called me from the car, claiming to **LUCRET** that I was his/her customer. I told the CW to wait for the drugs.

19. At approximately 8:30p.m., **LUCRET** received an incoming call on his cellular telephone and was seen leaving the CW's car. Agents watched **LUCRET** walk toward the liquor store parking lot and return several minutes later. After **LUCRET** got back in the car, the CW drove him to Oxford Street and completed the transaction. The video in the car shows **LUCRET** counting out amounts of what I later determined is crack cocaine and placing them in a bag on the CW's scale which he then gave to the CW.

20. The CW was then followed back to the meeting location where he/she handed me the body recorder, transmitter, the scale,

and another bag of an off-white rocky substance similar to what he/she gave me after the first meeting with **LUCRET**. I searched the CW and the car for controlled substances and cash again but found nothing.

21. I have reviewed the videotapes of the meetings that the CW had with **LUCRET** on September 22, 2003 and compared the image of the person with the CW to a photograph of **LUCRET** obtained from the Middlesex Sheriff's Department. I recognize **LUCRET** as the person in the video. This was also confirmed by another agent who knows **LUCRET**.

22. I have also inspected and field tested the contents of the two bags the CW obtained from **LUCRET** on September 22, 2003. The contents of both bags field tested positive for cocaine. Based on the color, texture, and appearance of the material in the bags, I also believe that both bags contained that particular form of cocaine base known as "crack cocaine." The DEA has also certified that both contained more than five grams of cocaine base.

23. Based on the forgoing, I believe there is probable cause to believe that, on two occasions on September 22, 2003, **JORGE LUCRET, A/K/A "MINOR,"** did distribute cocaine base, a/k/a "crack cocaine" in violation of Title 21, United States Code,

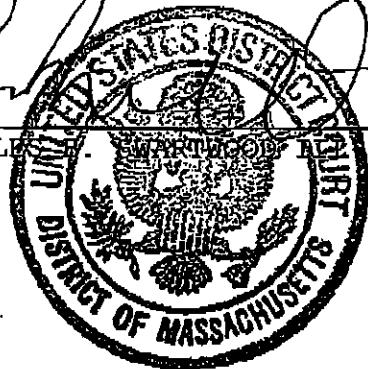
Section 841 (a) (1).

Signed under the pains and penalties of perjury this 23rd day of February, 2004.

Jeffrey E. Wood, Jr.
Jeffrey E. Wood, Jr.
Special Agent, FBI

Sworn to and subscribed before me this 23rd day of February, 2004

Charles F. Murphy
MAGISTRATE JUDGE CHARLES F. MURPHY



05 MJ 589

UNITED STATES DISTRICT COURT
DISTRICT OF
MASSACHUSETTS

UNITED STATES OF AMERICA

JORGE LUCRET
A/K/A "MINOR"

WARRANT FOR ARREST
Case Number: 04-1672-CBS

To: The United States Marshal
 and any other authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JORGE LUCRET, A/K/A "MINOR"
 Name _____

and bring him/her forthwith to the nearest magistrate judge to answer a(n)

INDICTMENT INFORMATION COMPLAINT ORDER OF COURT VIOLATION OF NOTICE PROBATION VIOLATION PETITION

CHARGE(S) OR BREACH(S) (Indicate description of offense)

1. Possession of cocaine base, a/k/a "crack cocaine"

Arrested on Date: 21

United States Code, Section(s) 841(a)

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

Boston, MA; February 23, 2004

BY _____

RETURN

WARRANT OF ARREST ISSUED AND FORWARDED WITH THE ARREST OF THE ABOVE NAMED DEFENDANT

NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
-------------------------------------	--------------------------------

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

NEW YORK

UNITED STATES OF AMERICA

V.

JORGE LUCRET

Defendant

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint/Indictment)CASE NUMBER: 05mj589

CHARGING DISTRICTS

CASE NUMBER: 04-1672 CBS

I understand that charges are pending in the Judicial District of Massachusetts alleging violation of 21:841(a) and that I have been arrested in this district and (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

identity hearing
 preliminary hearing
 identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date

11/18/05

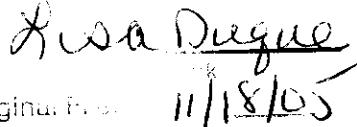
Defendant

Defense Counsel



05 NOV 18 2005

FILED

U.S. DISTRICT COURT
W.D.N.Y. - NEW YORKI CERTIFY: A TRUE COPY
OF THIS DOCUMENT WAS FILED IN THE
U.S. DISTRICT COURT, W.D.N.Y.
ON NOVEMBER 18, 2005.
BY CLERK
KAREN EARLY, CLERK
Original Filing
11/18/05
#3

Waivers6:05-mj-00589-JWF USA v. Lucret**U.S. DISTRICT COURT****WESTERN DISTRICT OF NEW YORK [LIVE]**

Notice of Electronic Filing

The following transaction was received from LMD, entered on 11/21/2005 at 3:31 PM EST and filed on 11/18/2005

Case Name: USA v. Lucret

Case Number: 6:05-mj-589

Filer: Dft No. 1 - Jorge Lucret

Document Number: 3

Docket Text:

WAIVER of Rule 5(c)(3) Hearing by Jorge Lucret (LMD,)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dceccfStamp_ID=1042579058 [Date=11/21/2005] [FileNumber=470943-0] [d843bdfc13f1fc5fde19abdbddede0b3df4128980ba190f242486119ebaba58e951d0e8aca1a4ccdd3d15656c0d162d65284d439efbcc73382c356ac25c6fbe4]]

6:05-mj-589-1 Notice will be electronically mailed to:

Roxanne Mendez Johnson roxanne_johnson@fd.org

Tiffany H. Lee tiffany.lee@usdoj.gov, kim.pettit@usdoj.gov; marylyn.rodriguez@usdoj.gov

6:05-mj-589-1 Notice will be delivered by other means to:

ISSUED

UNITED STATES DISTRICT COURT

WESTERN

District of

NEW YORK

UNITED STATES OF AMERICA
V.
JORGE LUCRETCOMMITMENT TO ANOTHER
DISTRICT

DOCKET NUMBER

District of Arrest

District of Offense

MAGISTRATE/JUDGE CASE NUMBER

District of Arrest

District of Offense

Western New York

Massachusetts

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

 Indictment Information Complaint Other (specify)

charging a violation 21 U.S.C. § 841(a)(1)

DISTRICT OF OFFENSE

Massachusetts

DESCRIPTION OF CHARGES:

Distribution of crack cocaine

ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WBNY
RODNEY C. EARLY, CLERK
BY *Yvonne Dugue*
Deputy Clerk

CURRENT BOND STATUS:

Bail fixed at _____ and conditions were not met
 Government moved for detention and defendant detained after hearing in District of Arrest
 Government moved for detention and defendant detained pending detention hearing in District of Offense
 Other (specify) Held to answer pursuant to Rule 40(e) of Federal Rules of Criminal Procedure

Representation: Retained Own Counsel Federal Defender Organization CJA Attorney NoneInterpreter Required? No Yes Language:

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

11/18/2005

Date

United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as

DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL	

144

Other Events6:05-mj-00589-JWF USA v. Lucret**U.S. DISTRICT COURT****WESTERN DISTRICT OF NEW YORK [LIVE]**

Notice of Electronic Filing

The following transaction was received from LMD, entered on 12/2/2005 at 9:23 AM EST and filed on 12/1/2005

Case Name: USA v. Lucret

Case Number: 6:05-mj-589

Filer:

Document Number:

Docket Text:

Mail Returned as Undeliverable on 12/1/05. Mail sent to Tony Anastas, Clerk, USDC, 707 John W. McCormack Post Office and Courthouse, 90 Devonshire Street; Boston, MA 02109 was resent to Sarah Alliston Thornton, Clerk; United States District Court, One Courthouse Way, Boston, MA 02210 on 12/2/05 (LMD,)

The following document(s) are associated with this transaction:

6:05-mj-589-1 Notice will be electronically mailed to:

Roxanne Mendez Johnson roxanne_johnson@fd.org

Tiffany H. Lee tiffany.lee@usdoj.gov, kim.pettit@usdoj.gov; marylyn.rodriguez@usdoj.gov

6:05-mj-589-1 Notice will be delivered by other means to:

Rochester, New York
Before Hon. Jonathan W. Feldman

November 18, 2005

U.S. v. Jorge Lucret, 05mj589

Matter on for Rule 5 initial appearance

Appearances: Def. w/Roxanne Mendez-Johnson, AFPD; Tiffany Lee, AUSA and
Mark Warth, USPO

DATE OF ARREST: 11/18/05. Def. advised of rights. Court appoints Federal Public
Defender. Govt. moves for detention on basis of risk of flight and danger. Def. waives
his right to an identity hrg. but requests a detention hearing and preliminary hearing in
the prosecuting district. Def. held to answer.

Digital Recording (9 min.)

ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
RODNEY C. EARLY, CLERK
By William Dugue
Deputy Clerk
Original Filed 11/18/05

[Handwritten signature]

Minute Entries6:05-mj-00589-JWF USA v. Lucret**U.S. DISTRICT COURT****WESTERN DISTRICT OF NEW YORK [LIVE]**

Notice of Electronic Filing

The following transaction was received from LMD, entered on 11/21/2005 at 3:24 PM EST and filed on 11/18/2005

Case Name: USA v. Lucret

Case Number: 6:05-mj-589

Filer:

Document Number: 1

Docket Text:

Minute Entry for proceedings held before Judge Jonathan W. Feldman :Initial Appearance in Rule 5(c)(3) Proceedings as to Jorge Lucret held on 11/18/2005. Def. advised of rights. Court appoints Federal Public Defender. Govt. moves for detention on basis of risk of flight and danger. Def. waives right to an identity hrg. but requests a detention hrg and preliminary hrg in the prosecuting district. Def. held to answer. (digital recording.) (LMD,)

The following document(s) are associated with this transaction:

6:05-mj-589-1 Notice will be electronically mailed to:

Roxanne Mendez Johnson roxanne_johnson@fd.org

Tiffany H. Lee tiffany.lee@usdoj.gov, kim.pettit@usdoj.gov; marylyn.rodriguez@usdoj.gov

6:05-mj-589-1 Notice will be delivered by other means to: